

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA)
v.) Criminal Case No.:
CHIKOSI LEGINS) 3:19 CR 104

February 12, 2020
VOLUME V

TRANSCRIPT OF OPENING STATEMENTS, ALL TESTIMONY, AND
CLOSING STATEMENTS OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE DAVID J. NOVAK
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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Counsel on behalf of the United States

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TRACY J. STROH, RPR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

(The proceeding reconvened at 9:01 a.m.)

THE CLERK: Criminal matter 3:19 CR 104,
United States of America v. Chikosi Legins. Mr. Charles
A. Gavin representing the defendant. Mr. Thomas A.
Garnett and Ms. Kathryn E. Gilbert representing the
government.

Counsel, are we ready to proceed?

MR. GARNETT: The United States is ready,
Your Honor.

MR. GAVIN: The defendant is ready, Your Honor.

THE COURT: All right. Is there anything I need
to address before I bring the jury in?

MR. GARNETT: Not for the government,
Your Honor.

MR. GAVIN: No, sir.

THE COURT: All right. All rise for the jury.
You can go ahead and bring the jury.

(The jury entered the courtroom.)

THE COURT: All right. Everybody can have a
seat.

Good morning, ladies and gentlemen.

THE JURY: Good morning.

THE COURT: Are you all ready to work?

A JUROR: Yes.

A JUROR: Yes, sir.

1 THE COURT: All right. Has everybody been
2 mindful of my instructions and no outside influence in any
3 fashion? No communication with others? Am I right about
4 that?

5 A JUROR: Yes.

6 THE COURT: All right.

7 All right. We're going to let you go back and
8 start your deliberations and do your work. Okay? And
9 we'll be sitting here waiting.

10 And as I said yesterday, we'll stay as late
11 tonight as you want us to stay. Just kind of let us know
12 by 4:00 if you want to stay past 5:00 just so we know.
13 And as I said again yesterday, you're -- you're the
14 drivers of the bus now. All right. We're going to do
15 what you want us to do. Okay. We're here at your
16 disposal. All right?

17 A JUROR: Yes, sir.

18 THE COURT: I wish you well. All right?

19 All rise for the jury.

20 (The jury exited the courtroom.)

21 THE COURT: All right, folks. Just make sure
22 you're available here in the courtroom -- or courthouse
23 today.

24 (Recess from 9:03 a.m. until 12:58 p.m.)

25 THE COURT: All right. I understand we have a

1 verdict. Is that right?

2 CSO SPIVEY: Yes, sir.

3 THE COURT: All right. We're going to bring the
4 jury in a second. Let me just say, regardless of whatever
5 the verdict is, there will be no outbursts, any display of
6 emotion in any sense by anybody in the courtroom.

7 With that, all rise.

8 (The jury entered the courtroom.)

9 THE COURT: All right. Everybody can be seated.
10 The foreperson, I understand you have a verdict.
11 Is that right?

12 JURY FOREPERSON: We have.

13 THE COURT: Mr. Spivey, would you hand me the
14 verdict form?

15 All right. Madam clerk, would you publish the
16 verdict?

17 THE CLERK: Would the defendant please stand?

18 *United States of America v. Chikosi Legins,*
19 criminal matter 3:19 CR 104.

20 Count One, deprivation of rights under color of
21 law. We, the jury, unanimously find the defendant,
22 Chikosi Legins, not guilty as charged in Count One of the
23 indictment.

24 Count Two, aggravated sexual abuse. We, the
25 jury, unanimously find the defendant, Chikosi Legins, not

1 guilty as charged in Count II of the indictment.

2 Count Three, sexual abuse of a ward. We, the
3 jury, unanimously find the defendant, Chikosi Legins, not
4 guilty as charged in Count Three of the indictment.

5 Count Four, sexual abuse of a ward. We, the
6 jury, unanimously find the defendant, Chikosi Legins, not
7 guilty as charged in Count Four of the indictment.

8 Count Five, false statements. We, the jury,
9 unanimously find the defendant, Chikosi Legins, guilty as
10 charged in Count Five of the indictment.

11 If you find the defendant, Chikosi Legins,
12 guilty of Count Five, you must note below which, or both,
13 of the following false statements support your guilty
14 verdict: 5a, falsely denying that he engaged in a sexual
15 act with any inmate at any time at Federal Correction
16 Institution, Petersburg; 5b, falsely stating that on
17 May 10th, 2018, he attempted to use a computer and printer
18 while he was engaged in, quote, just conversation, end
19 quote, with inmate B.L. when they were alone in an
20 unattended office with no surveillance cameras.

21 So say we all, this 12th day of February 2020.
22 Signed by foreperson.

23 THE COURT: All right. Any motions for polling
24 of the jury?

25 MR. GAVIN: No, sir.

1 THE COURT: All right. You all can have a seat.

2 So, ladies and gentlemen, I want to thank you
3 for your service here as jurors. I know you -- I've
4 watched you during the trial, and I know you put a lot
5 into it, and you were focused. And I know you took your
6 responsibility seriously, which is what we all must do as
7 citizens of our country. It is so important -- as I told
8 you before, part of my job, you've got to be super
9 patriotic. You probably figured that out by now. And so
10 I try to get that across to others. So I want to thank
11 you now for your service. You're going to be excused.

12 Officer Spivey, do you want to take out the
13 jury?

14 (The jury exited the courtroom.)

15 THE COURT: All right. Based upon the finding
16 of the jury, I'm going to enter a verdict of guilty as to
17 Count Five, then, of the indictment. We're going to
18 schedule this matter for sentencing. I'm looking at June
19 the 9th.

20 Does that work for you, Mr. Gavin?

21 MR. GAVIN: Yes, sir.

22 THE COURT: For the government?

23 MR. GARNETT: That's fine, Your Honor.

24 THE COURT: All right. How about 10:30 in the
25 morning?

1 MR. GAVIN: Yes, sir.

2 THE COURT: All right. I want to address -- do
3 we have a sentencing guideline order?

4 THE CLERK: Yes, Your Honor.

5 THE COURT: While she's preparing that, I want
6 to address the conditions of defendant's release.

7 Does the government have a position on whether
8 or not, since the defendant has now been convicted, albeit
9 of only one count of the indictment, whether or not he
10 should be revoked?

11 MR. GARNETT: Your Honor, we'd argue he should
12 be revoked.

13 THE COURT: And what's your basis for that?

14 MR. GARNETT: Your Honor, I think -- I believe
15 the evidence that came in at trial indicates that the
16 defendant -- Your Honor --

17 THE COURT: It seems to me what the verdict was,
18 that -- I can only extrapolate it from the finding is that
19 they believed that there was consensual sex, which you all
20 didn't argue this. You know, consensual sex would have
21 found him guilty of Counts Three and Four, but nobody
22 discussed that in closing argument. But it seems to me
23 that the only way that you can get to that finding on
24 Count Five is that they believed that there was sexual
25 intercourse, but it was consensual.

1 MR. GARNETT: I would agree, Your Honor, if they
2 found 5a, which it appears they did.

3 THE COURT: Right.

4 MR. GARNETT: So, Your Honor, a federal
5 correctional officer who's having sex with inmates under
6 his custody and control is clearly not someone that should
7 be out pending a sentence.

8 THE COURT: Mr. Gavin.

9 MR. GAVIN: Judge, I can only say that here to
10 date, that the third party custodian situation has worked
11 well. He's made all of his appearances except for the one
12 that I told him that he wasn't required to appear. So --

13 THE COURT: I don't hold that against him at
14 all. That was not -- that was a garble.

15 MR. GAVIN: It appears to be working, and it
16 appears that there are adequate safeguards in place to
17 make sure that he will appear for his sentencing.

18 THE COURT: Well, we did have the other issue
19 about what was going on with his daughter that was
20 reported to me, and that was more than concerning.

21 Mr. Legins, do you want to rise?

22 Mr. Legins, as a result of the jury finding you
23 guilty of Count Five, I'm going to revoke the conditions
24 of release. I'm going to remand you to the custody of the
25 United States Marshal, and you'll be in custody until

1 sentencing on June the 9th.

2 However, in the interim, I am going to allow
3 briefing on the statements -- the materiality of the
4 statements. I had indicated this before. I thought it
5 might be split in different ways. If you want to file a
6 motion on the verdict as it relates to Count Five and
7 anything else you want to file as relation to his
8 detention, I'll entertain it then. How does that sound?

9 MR. GAVIN: Yes, Your Honor.

10 THE COURT: How long do you think you need to
11 draft that motion?

12 MR. GAVIN: Ten days.

13 THE COURT: I'll give you whatever you want.
14 Ten days?

15 MR. GAVIN: Yeah, ten days.

16 THE COURT: How long do you need to respond?
17 Ten days?

18 MR. GARNETT: We'd ask for ten days, Your Honor.

19 THE COURT: All right. And I'll give you three
20 days to reply.

21 After I look at those papers, if you want to
22 have a hearing to reassess whether or not he needs to
23 continue to be detained, I'll give you a full hearing
24 then. Does that sound fair?

25 MR. GAVIN: Yes, sir.

1 THE COURT: And that way we can look at the law.
2 I'll take a look at the circumstances, and you can put on
3 any evidence that you want at that hearing. Does that
4 make sense?

5 MR. GAVIN: Yes, sir.

6 THE COURT: All right. All right. Is there
7 anything else we need to do here?

8 MR. GARNETT: No, Your Honor.

9 MR. GAVIN: No, sir.

10 THE COURT: All right.

11 Mr. Legins, you'll be remanded to the custody of
12 the United States Marshals. I believe we have the
13 marshals here.

14 All right. We're all set?

15 MR. ROSENDAHL: All rise.

16 THE COURT: Oh, do you want to -- do you have to
17 sign the order? Do you have the -- why don't we pass the
18 sentencing guide-- -- everybody have a seat for a second.

19 THE CLERK: You have the sentencing guidelines.

20 THE COURT: Oh, I have it.

21 I'm ordering a presentence report, just to be
22 clear, as part of this.

23 CSO SPIVEY: Mr. Garnett?

24 THE COURT: Mr. Garnett, then Mr. Gavin.

25 MR. GARNETT: Your Honor, what time was

1 announced for the sentencing hearing?

2 THE COURT: 10:30.

3 All right. Anything else we need to do?

4 MR. GARNETT: No, Your Honor.

5 MR. GAVIN: No, sir.

6 (The proceeding concluded at 1:07 p.m.)

7
8 REPORTER'S CERTIFICATE

9 I, Tracy J. Stroh, OCR, RPR, Notary Public in and for
10 the Commonwealth of Virginia at large, and whose
11 commission expires September 30, 2023, Notary Registration
12 Number 7108255, do hereby certify that the pages contained
13 herein accurately reflect the stenographic notes taken by
14 me, to the best of my ability, in the above-styled action.

15 Given under my hand this 14th day of February 2020.

16
17 /s/
Tracy J. Stroh, RPR